

PROCEEDINGS OF THE COMMON COUNCIL  
IN Special SESSION  
Thursday, August 15, 1974

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers  
Thursday evening August 15, A.D., 19 74, in Special  
Session. President Samuel J. Talarico in the chair, and  
Charles W. Westerman Clerk, at the desk, present the following  
members 7 viz:  
Burns ✓, Hinga ✓, Kraus ✓  
Moses ✓, Nuckols A, Donald Schmidt ✓  
Vivian Schmidt ✓, Stier A, Talarico ✓  
Absent 2  
Councilmen NUCKOLS  
STIER

The invocation was given by Charles W. Westerman, City Clerk

Received report from the City Controller for the month of \_\_\_\_\_,  
19\_\_\_\_. Motion made and carried that report be made a matter of record and  
placed on file.

The minutes of the last regular special \_\_\_\_\_, 19\_\_\_\_,  
\_\_\_\_\_ 19\_\_\_\_,

Session having been delivered to the Council, were, on motion, approved and  
published.

MADE A MATTER OF RECORD  
DATE 8-15-74 CHARLES W. WESTERMAN, CITY CLERK

WE THANK THEE OUR HEAVENLY FATHER THRU JESUS CHRIST THAT THOU HAST KEPT AND  
BLESSED THIS COMMON COUNCIL THIS DAY. WE ASK YOUR DEVINE HELP IN THE WORK THAT  
WE MUST DO THIS EVENING. GUIDE US AS CITY OFFICIALS TO DO THY WILL TO SERVE  
THE CITIZENS OF OUR CITY TO THE BEST OF OUR ABILITY. THIS WE ASK THRU YOUR SON,  
OUR LORD. AMEN.

PRAYER GIVEN BY-CHARLES W. WESTERMAN, CITY CLERK  
AUGUST 15, 1974

MADE A MATTER OF RECORD  
DATE 8-15-74 CHARLES W. WESTERMAN, CITY CLERK

CALL CONSENT AND WAIVER OF NOTICE OF A SPECIAL  
MEETING OF THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA, TO BE HELD ON THURSDAY, AUGUST 15, 1974,  
AT 7:00 O'CLOCK P.M., E.S.T.

We, the undersigned, being all of the members of the Common Council of the City of Fort Wayne, Indiana, do hereby call a special meeting of said Council to be held on Thursday, August 15, 1974, 7:00 o'clock P.M., E.S.T. and jointly and severally waive notice of the time, place and purpose of said meeting and consent that same be held on the aforesaid date for the purpose of introduction of the 1975 Civil City Budget presented to the Clerk from the Honorable Ivan A. Lebamoff, and placing said ordinance up for introduction.

Ivan A. Lebamoff  
Don P. Burns  
Samuel J. Talarico  
Ed. W. Jones Jr.  
Eugene Kraus

William T. Hinga  
Donald Schmidt (dw)  
\_\_\_\_\_  
\_\_\_\_\_

Dated this 15th Day of August, 1974

MADE A MATTER OF RECORD

DATE 8-15-74 CHARLES W. WESTERMAN, CITY CLERK

Charles W. Westerman  
Charles W. Westerman  
City Clerk

# City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk



To Members of Common Council Date 8/15/74  
From City Clerk Charles Westerman  
Subject Legal opinions requested by  
Councilmen:

COPIES TO:

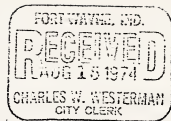
Please find attached a memorandum responding to the 17 legal opinions requested in regular session, Aug. 13, by various members of Common Council.

John Logan, council's attorney, delivered same to my office this date for your perusal.

Charlie



CITY OF FORT WAYNE  
916 LINCOLN BANK TOWER  
FORT WAYNE, INDIANA 46802



JOHN M. LOGAN  
COMMON COUNCIL ATTORNEY  
AND RESEARCH ANALYST

August 15, 1974

City Clerk and  
Members of the Common Council  
of the City of Fort Wayne

MEMORANDUM RE: Adoption of Municipal Budget  
fixing levies and rates.

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The Common Council of the City of Fort Wayne is charged with the responsibility of fixing the City tax levies and rates and appropriation for payment of budget items submitted to it by the City Controller of the City of Fort Wayne (I.C. 6-1-1-24).

Publication of Notice of the Public Hearing and Councilmanic meeting for adoption of the Budget is required to be placed twice in two newspapers of opposite political faiths. The first publication of notice is required to be not less than eighteen (18) days prior to the date of public hearing. (I.C. 6-101-24)

I have checked the newspaper publication and same appears to be in order.

The City Controller is the proper legal officer to assemble the proposed budget after conferring with the Mayor of the City. This proposed budget is then submitted to the Common Council where it is introduced and must be passed in Ordinance form on the last Monday in August of each year for the next ensuing year. (I.C. 6-1-1-32). This date is August 26, 1974.

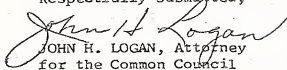
The Common Council can only reduce a budget item as presented to it. The statute is very explicit when it says:

"It shall be the duty of the committee of finance of the common council thereupon to prepare an ordinance fixing the rate of taxation for the ensuing year, and also an ordinance making appropriations by items for the use of the various executive departments and other city purposes for the ensuing year. Such ordinance may reduce any estimated item

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for any executive department, from the figure submitted in the report of the city controller, but shall not increase the same unless recommended by the mayor. Such appropriation ordinance shall thereafter be promptly acted upon by the common council." (Burns Statutes 48-1506).

Respectfully submitted,

  
JOHN H. LOGAN, Attorney  
for the Common Council

jhl/bm

A-74-0801

INTRODUCTION OF ORDINANCE BY ROLL CALL REQUEST

On <sup>Call</sup> motion by Mason seconded by         

the chair was ordered to call the roll in defiance of his declaration regarding the vote he announced, therefore, the chair has so ordered the Clerk to call the roll and duly introduce and place in the committee of Furman -  
Introduction (passed) (lost) by the following vote:

	AYES <u>6</u>	NAYS <u>1</u>	ABSTAINED <u>0</u>	ABSENT <u>2</u>	TO-WIT:
BURNS	<u>✓</u>	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
HINGA	<u>✓</u>	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
KRAUS	<u>✓</u>	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
MOSES	<u>✓</u>	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
NUCKOLS	<u>        </u>	<u>        </u>	<u>        </u>	<u>A</u>	<u>        </u>
D. SHCMIDT	<u>        </u>	<u>✓</u>	<u>        </u>	<u>        </u>	<u>        </u>
V. SCHMIDT	<u>✓</u>	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>
STIER	<u>        </u>	<u>        </u>	<u>        </u>	<u>A</u>	<u>        </u>
TALARICO	<u>✓</u>	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>

DATE: 8-15-74

Charles W. Minterman  
CITY CLERK

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Special Session, held on Thursday the 15th day of August, 19 74; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of August, 19 74.



Charles W. Westerman  
Charles W. Westerman  
City Clerk